

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claims 1-5 are pending and under consideration.

EXAMINER INTERVIEW

The Applicants extend their thanks to the Examiner for the courtesy shown to their representative during the interview held on February 10, 2009.

CLAIM REJECTIONS

Claims 1-5 were rejected under 35 USC 102(e) as being anticipated by Gomez et al. (US 7,106,472) (hereinafter "Gomez").

Claims 1-3

Amended claim 1 recites: "...generating separate files for each functional component of the device driver and a user interface; making a device driver installation program by rebuilding only the file corresponding to the functional component to be modified when a modification of a functional component is needed; and reconstructing information on the device driver to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generating the device driver using the reconstructed information on the device driver." Claim 1 has been amended to change "drive" to "driver" in line 8 for the purpose of consistency.

The Office Action relies on Gomez to show the features of claim 1. Specifically, the Office Action relies on Figures 2 and 3 of Gomez and the whole text of Gomez.

Referring to the Examiner's reliance on the "whole text" of Gomez, the Examiner is respectfully referred to 37 CFR 1.104(c)(2) which notes, in part, that when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. Accordingly, it is respectfully requested that the Examiner provide the column and line numbers for the sections of Gomez that the Office Action is relying on to reject the features of claim 1.

For example, the abstract of Gomez discusses: "A print driver is provided for use in printing a document from a computing device to an extended printing device are provided, the extended printing device being based upon a base printing device. The print driver typically

includes a base module configured to process at least one print operation involving printer-specific attributes of the extended printing device that are shared with the base printing device, and an interface module configured to enable an extended module to be added to the print driver to process at least one print operation involving printer-specific attributes of the extended printing device that are not shared with the base printing device." Gomez, Abstract.

As a further example, the summary of Gomez discusses: "A print driver is provided for use in printing a document from a computing device to an extended printing device are provided, the extended printing device being based upon a base printing device. The print driver typically includes a base module configured to process at least one print operation involving printer-specific attributes of the extended printing device that are shared with the base printing device, and an interface module configured to enable an extended module to be added to the print driver to process at least one print operation involving printer-specific attributes of the extended printing device that are not shared with the base printing device." Gomez, 1:42-1:54.

As shown above, neither of these sections, which are representative of the whole text of Gomez, come close to anticipating features of claim 1 such as reconstructing information on the device drive to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generating the device driver using the reconstructed information on the device driver. Specifically, **reconstructing** information on the device driver is not discussed at all in Gomez.

The reason Gomez does not discuss reconstructing information on the device driver is because Gomez is directed to providing equipment manufacturers of auxiliary devices with the ability to utilize proprietary portions of a manufacturer's base print driver in a customized print driver – in the auxiliary device – that has custom functionality created by the third party, without disclosing the proprietary secrets of the manufacturer, to avoid the problem of time consuming and costly development of print drivers associated with the prior art. As such, it is respectfully submitted that **reconstructing** information on the device driver is not discussed at all in Gomez. This technical aspect of claim 1 allows a user to flexibly install and use a printer driver. In Gomez, the method provides for distributing a base module for the print driver in object code form to a third party; the base module being configured to process one or more print operations involving, base attributes of a base printing device. However, in Gomez, the base printing device is not reconstructed.

Further, in the "Response to Arguments" section of the Office Action, the Examiner cited In re Dulberg, 129 USPQ 348 (CCPA 1961), to support his assertion that making a single file

separable is not patentable. The Examiner is respectfully referred to *In re Kotzab*, 55 USPQ2d 1313 (Fed. Cir. 2000), which notes that it is well established that there is no suggestion to modify prior art that used a plurality of devices to arrive at an invention that only used one device.

In the present case, claim 1 recites making a device driver installation program by rebuilding only the file corresponding to the functional component to be modified when a modification of a functional component is needed. In *Gomez*, it appears that a user is required to sift through all of the various adjustable attributes to manually set up the print driver. By contrast, claim 1 recites generating separate files for each functional component of the device driver and a user interface, and then the method of claim 1 reconstructs information on the device drive to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generating the device driver using the reconstructed information on the device driver.

Claims 2 and 3 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

Claims 4 and 5

Claim 4 recites: "...an installation program maker which generates separate files for each functional component of the device driver and a user interface and makes a device driver installation program by rebuilding only the file corresponding to a functional component to be modified when a modification of a functional component is need; and a driver generator which reconstructs information on the device driver to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generates an update to the device driver using the reconstructed information on the device driver."

The Office Action relies on *Gomez* to show these features of claim 4, and relies on identical rationale used in the rejection of claim 1. Similar to the argument for claim 1, it is respectfully requested that the Examiner provide the column and line numbers for the sections of *Gomez* that the Office Action is relying on to reject the features of claim 1. Further, it is respectfully submitted that *Gomez* does not discuss the technical feature of claim 4 of a driver generator which reconstructs information on the device driver at all.

Claim 5 depends on claim 4 and is therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 10, 2009

By: Gregory W. Harper
Gregory W. Harper
Registration No. 55,248

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501